

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Dina Klein,

Civil File No. 18-cv-949-DWF-ECW

DECLARATION OF JAMES MAYER

The Affiliated Group Inc., and
Credit Management, L.P.,

Defendants.

For his Declaration, James Mayer state as follows:

1. I am one of the attorneys representing Plaintiff Dina Klein in this case.

The Information Giving Rise to the Amendment

2. Plaintiff served discovery, including document requests, on Defendants on August 27, 2018, seeking, among other things, “a copy of any agreements with North Memorial Health Care regarding the placement and/or collection of debts.”
3. After initially objecting on a number of grounds, Defendants ultimately agreed to produce responsive documents upon entry of a Protective Order.

4. On the afternoon of Wednesday, November 28, Defendants produced documents responsive to Plaintiff's Document Request No. 3.
5. The documents confirm the accuracy of the allegations in Paragraph 20 of the Amended Complaint. Moreover, the documents reveal that at the time Credit Management, L.P. sent a billing statement to Ms. Klein indicating that North Memorial Health Care had turned her alleged debt over to Credit Management, L.P., there was no written agreement between North Memorial Health Care and Credit Management, L.P. authorizing the collection of this or any other debt.

The Meet and Confer Process

6. The morning after receiving Defendants' document production, Ms. Klein's counsel sent a redline version of the Proposed Second Amended Complaint to Defendants' counsel, requesting that Defendants consent to the amendment.
7. Defendants refused to consent to the amendment, on the stated grounds that "1) you are trying to add immaterial claims unknown to Plaintiff regarding the complained of actions and 2) you're not withdrawing the frivolous unsupported claims that were disproven by your own client's testimony."

8. The parties continued to meet and confer with a telephone call this afternoon. At the completion of the call, the parties remained at an impasse.
9. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 30, 2018

s/James R. Mayer
James R. Mayer